REMARKS

After entering the above amendments, claims 1-19 and 22 will be pending. Reconsideration and allowance of the current application are requested in light of the above-marked amendments and the foregoing remarks.

Summary of Rejections. The Office has rejected claims 1-14 and 20-22 under 35 U.S.C. §101 as allegedly being drawn to non-statutory subject matter; claim 22 under 35 U.S.C. §102(e) as allegedly being anticipated by U.S. Patent Publication No. 2003/0167315 to Chowdry (hereinafter "Chowdry"); claims 1, 4-11, 14-16, and 20-21 under 35 U.S.C. §103(a) as allegedly being unpatentably obvious over Chowdry in view of U.S. Patent Publication No. 2001/0047394 to Kloba (hereinafter "Kloba"); and claims 2-3, 12-13 and 17-19 under 35 U.S.C. §103(a) as allegedly being unpatentably obvious over Chowdry in view of Kloba, and further in view of U.S. Patent Publication No. 2003/0066031, to Laane (hereinafter "Laane").

Summary of Amendments. With this amendment, claims 1, 10, 11 and 22 have been amended, claims 20 and 21 have been canceled. The amendments are fully supported by the original specification.

Rejections under 35 USC §101

Claims 1-14 and 20-22 stand rejected under 35 U.S.C. §101, because the Office alleges that the claims are drawn to unpatentable subject matter. This rejection is respectfully traversed.

Claims 1 10, 11 and 22 have been amended to positively recite one or more processors that implement the various components of the recited system. The one or more processors are clearly physical articles or objects. Thus, these claims, and their dependent claims, are now directed to proper statutory subject matter.

Claims 20 and 21 have been canceled, and therefore the rejection under 35 U.S.C. §101 is

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moot.

For at least these reasons, withdrawal of the pending rejection under 35 U.S.C. §101 is respectfully requested.

Rejections under 35 USC §102

Claim 22 stand rejected under 35 U.S.C. §102(e) as allegedly being anticipated by Chowdry. This rejection is respectfully traversed.

To present a valid anticipation rejection under 35 U.S.C. §102, the Office must identify a single prior art reference in which "each and every element as set forth in the claim is found, either expressly or inherently described." MPEP §2131 quoting *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

The hallmark of anticipation is prior invention, and in order to anticipate under 35 U.S.C. §102, the prior art reference must not only disclose all elements of the claim within the four corners of the document, but must also disclose those elements "arranged as in the claim." *Connell v. Sears, Roebuck & Co.*, 722 F.2d 1542, 1548 (Fed. Cir. 1983). The rejection over Chowdhry fails to satisfy this burden with regards to the currently pending claims.

The Office alleges that Chowdhry teaches "a server-controller modifying a model of an application component on a server as a response to the modification-request." The passage of Chowdhry cited as teaching this element is reproduced below, in full:

> "Another unique feature of the user interface is the ability for the
> user interface to refresh each portlet independently of the others."

Applicant respectfully asserts that the above passage of Chowdhry fails to teach or suggest the claimed feature of a server-controller modifying a model of an application component on a server. Further, Chowdhry fails to teach or suggest where the modifying is in response to a modification-request generated by a client-controller. While Chowdhry allows a

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user to initiate a process of refreshing a portlet manually (see Chowdhry, para. [0245]), such functionality is not a modification-request that is used to modify an application component on a server. Chowdhry defines "portlet" as "select modules of information" that can be selected from a library for "display on a customized portal site." See Chowdhry, para. [0005]. Accordingly, a portlet is not an application component on a server, and a refreshing of that information as taught by Chowdhry is not a modification to the application component as presently claimed. Accordingly, Chowdhry does not anticipate claim 22.

For at least these reasons, withdrawal of the pending rejection under 35 U.S.C. §102 is respectfully requested.

Rejections under 35 USC §103

Claims 1, 4-11, 14-16, and 20-21 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentably obvious over Chowdry in view of Kloba. Claims 2-3, 12-13 and 17-19 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentably obvious over Chowdry in view of Kloba, and further in view of Laane. These rejections are respectfully traversed.

For a proper rejection under 35 U.S.C. §103(a), the Office "bears the initial burden of factually supporting any *prima facie* conclusion of obviousness" and must therefore present "a clear articulation of the reason(s) why the claimed invention would have been obvious." MPEP §2142. An obviousness rejection "cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." MPEP §2141 quoting *KSR International Co. v. Teleflex Inc.*, 82 USPQ2d 1386, 1385 (2007). This rationale must include a showing that all of the claimed elements were known in the prior art and that one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, to produce

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a combination yielding nothing more than predictable results to one of ordinary skill in the art. *KSR*, 82 USPQ2d at 1395. MPEP §2141.02 further notes that "a prior art reference must be considered in its entirety, i.e., as a <u>whole</u>, including portions that would lead away from the claimed invention. *W.L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), *cert. denied*, 469 U.S. 851 (1984). The rejection over Chowdry in view of Kloba fails to satisfy this burden with regards to the currently pending claims.

As demonstrated above with respect to claim 22, Chowdhry fails to teach many of the limitations and features of the claimed elements. In general, Chowdhry is directed to improved techniques for assembling information for a customized portal. Chowdhry enables either automatic or manual "refreshing" of modules of information, called "portlets", for further customizing a portal. The presently claimed invention, on the other hand, relates to handling incremental data when modifying an application component on a server.

With the foregoing in mind, refer now specifically to independent claims 1, 10, 11, 15 and 16. As clearly shown above, Chowdhry fails to teach or suggest "a server-controller for receiving a modification-request from a client to modify an original model of an application component that is stored on the server into a modified model of the application component" as recited by claim 1. In fact, Chowdhry is silent with respect to application components, or the claimed feature of modifying an application component stored on a server.

Likewise, referring to claim 10, Chowdhry fails to teach or suggest "a server-controller for receiving a modification-request from a client-controller of a client in a computer system to modify an original model of an application component that is stored on the server into a modified model of the application component." And with respect to claim 11, Chowdhry fails to teach or suggest "a client-assembler implemented on the one or more processors receiving at least one

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browser-increment from the server and updating an original document object model (DOM) component that corresponds to an original model of an application component with the at least one browser-increment, resulting in a modified DOM component that corresponds to a modified model of the application component."

With reference to claim 15, Chowdhry fails to teach or suggest "receiving by a server-controller a modification-request from a client-controller belonging to a client of a computer system to modify an original model of an application component that is stored on the server into a modified model of the application component." With reference to claim 16, Chowdhry fails to teach or suggest "updating an original document object model (DOM) component that corresponds to an original model of an application component with the at least one browser-increment, resulting in a modified DOM component that corresponds to a modified model of the application component." Chowdhry does not teach or suggest applications or application components, and therefore fails to teach or suggest original models or modified models of an application component.

Accordingly, the combination of Chowdhry and Kloba fails to make claims 1, 10 and 11 obvious, because Chowdhry and Kloba, in any combination, fails to teach several key limitations of the claims. Further, the Office has not met its burden of presenting a prima facie case of obviousness, since the Office has not sufficiently articulate why a person of skill in the art would combine Chowdhry's information module refreshing features with the HTML document display techniques of Kloba, or why such combination relates to modifying application components as claimed in the present application.

Thus, claims 1, 10, 11, 15 and 16 are not obvious over Chowdhry in view of Kloba. Claims 2-9, and 12-15 and 17-19 are allowable at least for their dependence on an allowable

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base claim.

For at least these reasons, withdrawal of the pending rejection under 35 U.S.C. §103(a) is respectfully requested.

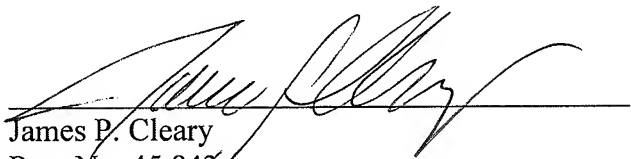## CONCLUSION

On the basis of the foregoing amendments, the pending claims are in condition for allowance. It is believed that all of the pending claims have been addressed in this paper. However, failure to address a specific rejection, issue or comment, does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above are not intended to be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper.

The Commissioner is hereby authorized to charge the additional claim fee and any additional fees that may be due, or credit any overpayment of same, to Deposit Account No. 50-0311, Reference No. 34874-135/202P00117WOU. If there are any questions regarding this reply, the Examiner is encouraged to contact the undersigned at the telephone number provided below.

Respectfully submitted,

Date: September 21, 2009

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